

AFFIDAVIT OF EVA T. CANTARELLA

STATE OF MICHIGAN

COUNTY OF OAKLAND

1. My name is Eva T. Cantarella, and the facts asserted herein are based on my own personal knowledge.

2. I proffer this Affidavit in support of Plaintiff Thomas E. Underwood's Motion for Class Certification in Underwood v. Carpenters Pension Trust Fund - Detroit and Vicinity Pension Plan ("Plan"), No. 2:13-cv-14464 (Hon. Lawrence P. Zatkoff, Senior U.S. District Judge) ["the Underwood Class Action"].

3. I have had regular communications with Underwood about this case and discussed with him the potential advantages and disadvantages of proceeding in a class action rather than individually.

4. I received my law degree from Wayne State University Law School in May of 1994 at the age of 40, graduating *cum laude* (3.61/4.0), rank 13/192.

5. While attending Wayne State University Law School, I was a member of the *Wayne Law Review*, received the "Best Entry" in the *Wayne Law Review* Writing Competition, earned a Norman I. Leemon Award and Scholarship and received five American Jurisprudence awards.

6. I earned my undergraduate degree, a B.G.S. with a double major in Economics and Political Science from Oakland University, and graduated *summa cum laude* (3.94/4.0) with two Outstanding Academic Achievement Awards in mathematics while running a business full time (see next paragraph).

7. Prior to attending law school, I owned and operated Oakland/Macomb Appraisal Services, Inc. (Rochester, Michigan), a company that performed real property appraisals for financial institutions.

8. Immediately after taking my bar exam in July of 1994, I commenced employment as a litigation law clerk at the Detroit office of the national law firm Pepper Hamilton & Scheetz (now Pepper Hamilton LLP).

9. I continued working at Pepper Hamilton until January 1995 when I commenced employment as a litigation attorney with Hertz Schram PC ("HSPC") (then known as Hertz Schram & Saretsky, P.C.) in Bloomfield Hills, Michigan where I have been employed ever since.

10. I became a partner at HSPC in December 2004.

11. Shortly after I commenced my employment with HSPC, I became involved in my first class action for benefits under a pension plan. Zimmer v. Henry House, Inc., No. 1:95CV318 (W.D. Mich.; Hon. David. W. McKeague). I researched many of the legal issues and wrote a substantial portion of the briefs on behalf of the class. The case settled shortly after the hearing on the parties' cross-motions for

summary judgment.

12. Prior to the Underwood Class Action, I have been involved in thirteen class actions for benefits under a pension plan, all but one of which [number 13 below] was governed by ERISA.

List No.	Case Name
1	<u>Zimmer v. Henry House, Inc.</u> , No. 1:95-CV-318 (W.D. Mich.)
2	<u>Ramsey v. Amfac, Inc.</u> , No. C-95-4317 CAL (N.D. Cal.)
3	<u>McElwaine v. U.S. West, Inc.</u> , No. CV-96-00214-WDB (D. Az.)
4	<u>White v. Employee Retirement Plan of Amoco Corp. and Participating Cos.</u> , No. 96 C 4298 (N.D. Ill.)
5	<u>Lyons v. Georgia-Pacific Corp. Salaried Employees Retirement Plan</u> , No. 97-CV-0980-JOF (N.D. Ga.)
6	<u>Wimbush-Bowles v. GTE Service Corp. Plan for Employees' Pensions</u> , No. 98-0598-CIV-T-25 (M.D. Fla.)
7	<u>Gromala v. Royal & Sun Alliance</u> , No. 01-72196 (E.D. Mich.)
8	<u>Crosby v. Bowater Incorporated Retirement Plan for Salaried Employees of Great Northern Paper Inc.</u> , No. 1:01-CV-683 (W.D. Mich.), and No. 1:05-CV-3478 (N.D. Ill.)
9	<u>Hampton v. Henry Ford Health System Pension Plan</u> , No. 04-70221 (E.D. Mich.)
10	<u>Humphrey v. United Way of the Texas Gulf Coast</u> , No. H-05-758 (S.D. Tex.).
11	<u>Stewart v. AT&T Inc.</u> , No. 5:07-cv-318-H (W.D. Tex.)
12	<u>Stewart v. AT&T Inc.</u> , No. 5:08-cv-272-H (W.D. Tex.)
13	<u>Fitzpatrick v. Michigan Public School Employees' Retirement System</u> , No. 06-1694-AA (Ingham County Circuit Court)

13. Collectively, HSPC has recovered over \$100 million dollars in benefits for participants and beneficiaries in ERISA-governed pension plans.

14. I have also successfully prosecuted non-class claims for ERISA benefits.

15. I am responsible for investigating and evaluating all benefit claims proffered to HSPC that arise under a pension plan and for recommending which ones should be prosecuted. In conjunction with these activities, I review all plan documents and benefit calculations, and analyze the legal issues. These activities consume approximately 50% of my time at the firm.

16. I have been a lecturer, commentator, and guest speaker on ERISA benefit issues in a variety of fora, including. to (a) officials at the United States Department of Treasury, (b) the American Bar Association's Labor and Employment Section, Employee Benefits Committee, (c) the Chicago Bar Association's Employee Benefits Committee, (d) the Investment Management Institute's Corporate Funds Forum, (e) Deloitte Touche, (f) the Employee Benefit Security Administration when it was known as the Pension and Welfare Benefits Administration, and (g) the Oakland County Bar Association's Employee Benefits Committee.

17. I have also given testimony before the Internal Revenue Service and United States Department of Treasury on regulations enforcing Internal Revenue Code §411(d)(6) and its ERISA analogue ERISA §204(g), commonly known as the "anti-cutback rules."

18. In 2006, I formed a group comprised of consumer interest organizations, law professors, and attorneys across the country, all who had the goal of promoting more equitable remedies when an ERISA statute is violated. The group eventually grew to 320 members and became known as GEER (Group for Equitable ERISA Remedies). GEER was active for about three years, but is no longer active due to a recognition that Congress is focused on other issues, such as the budget.

19. My views and activities concerning ERISA benefits issues have been reported in a number of publications and on various Internet Websites, including BenefitsLink.com; pensionrights.org; TheJournalNews.com; CFO.com; Pressconnects.com; BurlingtonFreePress.com; Entrepreneur.com; law360.com (a Lexis Nexus Company); IRA.com; lifehealthpro.com; Wall Street Journal, IBL Class Action Reporter; Lawyers Weekly USA; Entrepreneur Magazine; Washington Post; Detroit News; Crains Detroit Business News; Gannet News; Cincinnati Enquirer; Hartford Courant; Tax Analysts; Poughkeepsie Journal; Michigan Benefits & Business; Michigan Lawyers Weekly; and Life & Pensions magazine.

20. In 2012, Thomson Reuters selected me as a "Super Lawyer".

21. In 2013, dBusiness Magazine named me as a "Top Lawyer."

22. I am admitted in, and a member in good standing of, the State Bar of Michigan, the United States District Courts for the Eastern and Western Districts of Michigan and the Northern District of Illinois, all United States Courts of Appeals, and the United States Supreme Court.

23. I have also been admitted to practice pro hac vice in the United States District Courts for the Northern District of Georgia, the Middle District of Florida, the Southern District of Texas, the Southern District of Ohio, the Western District of Texas, and the Northern District of California.

24. If I am asked, I can document all facts asserted in this Affidavit.

Signed February 3, 2014.

Eva T. Cantarella